

TOWN of ENFIELD

**ZONING BOARD OF APPEALS - APPLICATION FORM**

Planning Department - Town Hall - 820 Enfield Street - Enfield, CT 06082  
(860) 253-6355 (Form revised on 2/9/2011)

File # (office use only)

**ZBA**

**FEES:** Residential \$150.00 Non-residential \$215.00

(All fees include current \$60 state fee)

**Application type** (check one or more of the following)

**Date of Filing** \_\_\_\_\_

\_\_\_\_\_ **Variance**

\_\_\_\_\_ **Appeal of Order or Decision of Zoning Official**

**Describe your application:** (Please Print) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**APPLICATION SUBMITTAL REQUIREMENTS (with this form):**

Please provide a scaled site plan (11 copies) indicating the location of your proposal to the best of your ability; a location survey is preferable. Also, (for on-site conditions inspection by Board Members) applicants must locate the proposed structure corners on the ground with stakes, or spray paint if currently an impermeable surface. If not done, the application shall be tabled at the first meeting. If still not marked out, the application will be denied without prejudice at the second meeting

**Property address:** \_\_\_\_\_

**Property Identification Number:** (Available from the Assessor's Office) \_\_\_\_\_

**Zoning District(s):** \_\_\_\_\_

**Map** \_\_\_\_\_

**Lot** \_\_\_\_\_

**Applicant Name:** \_\_\_\_\_



**Address:** \_\_\_\_\_

**Does applicant own the property?** ☐ **Yes** (attach copy of deed) ☐ **No** (List name and address of owner below)

\_\_\_\_\_  
\_\_\_\_\_

(Non-owner applicants or representative must submit letter authorizing submittal of the application from the owner of the property)

**Applicable Section(s) of the Zoning Ordinance** \_\_\_\_\_

**Do Wetlands and /or Watercourses affect this application?** ☐ **YES** ☐ **NO**

**Who will be representing the application and what is the way to contact that person**

**NAME:** \_\_\_\_\_ **ADDRESS** \_\_\_\_\_



\_\_\_\_\_ (phone) \_\_\_\_\_



\_\_\_\_\_ (fax) \_\_\_\_\_



\_\_\_\_\_ (e-mail) \_\_\_\_\_

The undersigned hereby permits town staff and board members to enter onto and inspect this site during reasonable hours for the purpose of reviewing this application and accompanying plans. I hereby depose and say that all of the above statements as well as the statements contained in all papers filed herewith are true.

**Applicant signature:** \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

[Signature] \_\_\_\_\_

\_\_\_\_ Notary Public \_\_\_\_ Justice of the Peace \_\_\_\_ Commissioner of Court (Please check one)

Commission expiration date stamp ►

**DEPARTMENT DATE STAMP**

## VARIANCE

### INTRODUCTION

#### **Section 11.00B, Enfield Zoning Ordinances, Powers and Duties of the ZBA**

**Variances:** The ZBA shall have the authority to vary or adjust the strict application of these Regulations in those cases where the unusual size, shape or topography of a lot or other unusual physical conditions pertaining to it or to any building situated thereon make it impossible to strictly apply a specific provision of these Regulations to such lot without resulting in exceptional difficulty or unusual hardship, so that substantial justice shall be done and the public health, safety and welfare secured.

#### **Section 11.20 Decision**

- A. No variance shall be granted by the ZBA unless it finds:
- That there are special circumstances or conditions, fully described in the findings of the ZBA, applying to the lot or structure for which the variance is sought, which are peculiar to such lot or structure and do not apply generally to lots or structures in the neighborhood and which have not resulted from any willful act of the applicant subsequent to the date of adoption of the regulation from which the variance is sought, whether in violation of the provisions herein or not;
  - That, for reasons fully set forth in the findings of the ZBA, the aforesaid circumstances or conditions are such that the particular application of the provisions of these Regulations would deprive the applicant of the reasonable use of the lot or structure, that the granting of the variance is necessary for the reasonable use of the lot or structure, and that the variance as granted by the ZBA is the minimum adjustment necessary to accomplish this purpose;
  - That the granting of the variance shall be in harmony with the general purposes, and intent of these Regulations and the Town's Plan of Conservation and Development, and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare.

Subsections 11.20Ai - iii are three sections of local criteria, based in statutory enabling legislation, all of which must be met to grant a variance. These local ordinance subsections deal substantially with the criteria for hardship and applicability covered under statute and case law; any single subsection cannot be used alone to justify granting a variance.

The Zoning Board of Appeals must find that a legal hardship exists. A hardship exists when the Zoning Ordinance uniquely affects a parcel of land differently from other properties, and where use of the property or reasonable use of the land would be impossible without the variance. Self inflicted or financial hardships cannot, by law, be considered as a reason for granting a variance.

### APPLICATION

**What is the variance requested?** \_\_\_\_\_  
\_\_\_\_\_

**What is the specific hardship being claimed** \_\_\_\_\_  
\_\_\_\_\_

**What are the abutting land uses, zoning districts, and owner names (including those across the street?)**

	North	East	South	West
<b>Land Use</b>	_____	_____	_____	_____
<b>Zoning Dist&gt;</b>	_____	_____	_____	_____

**Owner(s)**

North: \_\_\_\_\_

East: \_\_\_\_\_

South: \_\_\_\_\_

West: \_\_\_\_\_

Describe any structural alterations or construction and attach a scaled site plan and/or scaled elevation (10 copies)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**VARIANCE (cont.)**

**What are the estimated costs of improvements?**

**Building improvements:** \_\_\_\_\_

**Land/site improvements:** \_\_\_\_\_

**If the property has been the subject of previous applications, attach a list from the Planning Department index.**

Previous application file #(s) \_\_\_\_\_

Date(s) of decision(s): \_\_\_\_\_

The following seven questions must be answered, as evidence that this request complies with the conditions required for approval of a variance.

If needed, extra pages and supplemental illustrations or photographs may be used and included in the application.

**Question #1**

**What particular physical conditions or characteristics make the property unique compared to others in the same neighborhood or zoning district?**

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**Question #2**

**Were the conditions or characteristics listed in Question #1 caused by the property owner or applicant? YES \_\_\_ NO \_\_\_ Please explain**

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**Question #3**

**If the conditions or characteristics were caused by the owner or applicant, is the use of the property being enjoyed, or could it be enjoyed in the current zoning district without the requested variance?**

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**Question #4**

**What difficulty or unnecessary hardship would result (not just an inconvenience) if the variance were not granted?**

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**VARIANCE (cont.)**

**Question #5**

Is the amount of variance requested the minimum necessary to meet the needs of the applicant or property owner?

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**Question #6**

To what extent is the request for a variance based upon a desire of the owner, occupant, or applicant for increased financial gain from the property, or to reduce an existing financial hardship?

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**Question #7**

What effect, if any, would the variance have on the rights of owners or occupants of surrounding property, on the supply of light or air to adjacent property, on traffic or parking congestion in the public streets, on public safety, and on property values within the neighborhood?

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**Variance request submittal requirements:**

- 1 copy of the application, with notarized signature of applicant
- Site location plan indicating major road intersection closest to project
- 10 copies of the site plan or plans (9 for application process, 1 for permanent file)

**APPEAL from ORDER or DECISION**

**INTRODUCTION**

**Section 11.00A, Enfield Zoning Ordinances, Powers and Duties of the ZBA**

Appeals: The ZBA shall have the authority to hear and decide upon any appeal where it is alleged that there is an error in the order, requirements, decision or determination of the Zoning Enforcement Officer (ZEO). No question of hardship shall be involved in such an appeal, and the action of the ZBA thereon shall be limited to the question of whether or not, and to what extent such order, requirement, decision, or determination was a correct interpretation of the subject provision of these Regulations.

**What was the date of the Order or Decision?** \_\_\_\_\_

**What was denied or granted by the order or decision?**

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**What is the nature of this appeal?**

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**What grounds are alleged for this appeal?**

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**If the applicant is the aggrieved party, but not one of the subject property owners, provide the shortest distance between the applicant's property and the subject property** \_\_\_\_\_

**If the property has been the subject of previous applications, attach a list from the Planning Department index.**

Previous application file #(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date(s) of decision(s): \_\_\_\_\_  
\_\_\_\_\_

**Appeal submittal requirements:**

- **1 copy of the application, with notarized signature of applicant**
- **Site location plan indicating major road intersection closest to project**
- **11 copies of the site plan or plans (10 for application process, 1 for permanent file)**